

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.464 OF 2007

Jamir Mahamadsab Qureshi ..Applicant

Vs.

State of Maharashtra ..Respondents

Mr.U.R.Agandsurve counsel for Applicant
Mr.K.V.Saste A.P.P. for the State

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : MARCH 20, 2007

P.C.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking anticipatory bail in C.R.No.77 of 2006 registered at Foujdar Chawdi Police Station, Solapur. The said case is mainly under Section 307 of IPC.

3. In the F.I.R. the name of the present applicant is mentioned. It is also mentioned therein that the applicant along with other accused came to the shop of the complainant armed with iron rods and sticks. It is further stated that the

applicant and other accused assaulted the complainant and one Shakir Bagwan, Tausif Naikwari and Abubakar Naikwari.

4. The learned counsel for the applicant has submitted that co-accused Saifan Haji Hasan Ustad Qureshi has been granted bail by this Court. It is well settled that considerations for bail and anticipatory bail are entirely different. The Supreme Court in the case of **State Vs. Anil Sharma reported in 1997 S.C.C. (Cri.) 1039**, has observed that the considerations for bail and anticipatory bail are quite different, hence, the fact that co-accused was granted bail, cannot be a ground to grant anticipatory bail to the applicant.

5. As stated earlier, the applicant has been named in the F.I.R. so also, it is stated in the F.I.R. that he and other accused were armed with weapons and they have assaulted the complainant and some other witnesses. In my view, the material collected by the prosecution in the present case is such as to point out an accusing finger towards the present applicant. The Apex Court has observed in the decision of the **Directorate of Enforcement Vs.**

P.V.Prabhakar Rao reported in 1997 S.C.C. (Cri.)
978 that when the material gathered by the
prosecution is such that it points out an accusing
finger towards the accused, it is not a fit case to
grant anticipatory bail.

6. In view of the above, the application for
anticipatory bail is rejected.

[V.K.Tahilramani, J.]